



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 31, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Father Richard Matthey, St Patrick's Cathedral, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).
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*Motion made, seconded and unanimously carried to approve the Minutes for the Regular City Council Meeting of June 5, 2001.
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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Authorizing the Mayor to sign a Conduit License Agreement between the City of El Paso and Southwestern Bell Telephone Company for City telecommunications use of Southwestern Bell Telephone Company conduit in the city for traffic and transportation management.
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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services between the City of El Paso and Gayle-Reid Appraisal Services, Inc. for the appraisal of the following described parcel of land: Lot 27 and East ½ of Lot 26, Block 4, EPIA Tracts, Unit 2, City of El Paso, El Paso County, Texas consisting of approximately 30,000 square feet of land more or less, commonly known as 7605 Boeing Drive.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Air Cargo Building Lease Agreement between the City of El Paso and Integrated Airline Services, Inc. effective August 1, 2001 to lease office and warehouse space at the Airport's cargo facility located at 6425 Convair Road, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Airline Operating Agreement and Terminal Building Lease between the City of El Paso, Texas (Lessor), Delta Air Lines, Inc. (Lessee), together with related documents.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Letter of Agreement on behalf of the Arts Resources Department, to re-grant funds from the FY 2001 Direct Funding Program of the Arts Resources Department as recommended by the Arts Resources Department staff.

	ARD	TCA	TOTAL
1. Insights El Paso Science Center Inc.	\$1,280.00	\$718.40	\$1,998.40

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a Second Option to renew a lease agreement, on behalf of the El Paso City-County Health and Environmental District, for premises located at 1840 Lee Trevino, for a term of three (3) years, at a cost of ONE HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED TWELVE AND 00/100 DOLLARS (\$145,512.00) to be paid in equal monthly installments. The lease extension shall commence effective August 1, 2001, regardless of the date of execution and shall terminate July 31, 2004.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a First Option to renew a lease agreement, on behalf of the El Paso City-County Health and Environmental District, for premises located at 8500 Dyer, for a term of three (3) years, one (1) month at a cost of NINETY-EIGHT THOUSAND SIX HUNDRED SIXTY-SIX AND 67/100 DOLLARS (\$98,666.67) to be paid in equal monthly installments. The lease extension shall commence effective April 15, 2001, regardless of the date of execution and shall terminate May 15, 2004.

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Representative Sumrall remarked that the property is in suit and noted the amount of monies owed. She questioned how the City could justify paying them if they owe taxes.

Ms. Carmen Perez, attorney with Delgado Acosta Spencer Linebarger Heard & Perez LLP, addressed Council Members and explained that the case is on appeal. She elaborated stating that the case is against the property owner who owned the property in the years 1993, 1994 and 1995. She stated that the property was sold in 1996; however, the current property owners are not liable for the delinquent taxes.

Representative Medina was unsure as to what exactly was being renewed. He asked Dr. Jorge Magaña, M.D., F.A.A.P., Director - Health, to explain.

Dr. Magana responded that the Health Department has been utilizing this facility for six years. He explained that the facility is used for various programs within the Health Department.

Mr. Byron Johnson, Director of Purchasing, explained that the Bid was a three (3) year lease with three (3) year options. He explained that the request today is the second of the three (3) year options.

Ms. Perez noted that the current owners took the property free and clear of any tax liability.

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a First Option to renew a lease agreement, on behalf of the El Paso City-County Health and Environmental District, for premises located at 500 D. North Carolina, for a term of three (3) years, at a cost of TWO HUNDRED TEN THOUSAND FIVE HUNDRED TWO and 44/100 DOLLARS (\$210,502.44) to be paid in equal monthly installments. The lease extension shall commence effective May 1, 2001, regardless of the date of execution and shall terminate April 30, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Texas Natural Resource Conservation Commission (TNRCC) Contract No. 582-2-89438, on behalf of the El Paso City-County Health and Environmental District in order to implement and conduct an Air Monitoring Program in the City of El Paso. This two year contract includes a total compensation of ONE HUNDRED EIGHTY SEVEN THOUSAND SIX HUNDRED EIGHTY EIGHT DOLLARS AND 00/100 (187,688.00) from TNRCC, to be disseminated in two equal parts. The cost to the City is a match of FORTY SIX THOUSAND TWO HUNDRED TWENTY TWO DOLLARS AND 00/100 (\$46,222.00), for each year in which this contract is in place.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment No. 3 to Texas Natural Resource Conservation Commission (TNRCC) Contract No. 582-1-87081, on behalf of the El Paso City-County Health and Environmental District. This amendment increases the total compensation by ONE HUNDRED AND EIGHT THOUSAND DOLLARS AND 00/100 (108,000.00), for a total Contract amount of TWO HUNDRED AND TWENTY THOUSAND DOLLARS AND 00/100 (\$220,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Council be authorized to approve the recommendation of interpretive themes for a new El Paso Museum of History as determined by History Museum Advisory Board and subcommittee.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100THS DOLLARS (\$14,750 - \$1,860 loan/\$12,140 grant/\$750 loan) against the following described real property:

The East 65 feet of Lots 26 through 29, and the East 65 feet of the South 16 feet of Lot 30, Block 18, ALTURA PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 2121 N. Copia, El Paso, Texas 79930

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for :

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
4610-4614 Alameda Avenue	\$107.75	\$36.12	\$143.87
4610-4614 Alameda Avenue	\$117.99	\$17.01	\$135.00

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for :

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
5101 Marie Tobin Drive	\$54.03	\$20.03	\$74.03

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a letter engaging the services of Arthur Andersen LLP to provide an audit of the general purpose financial statements of the City of El Paso, Texas for the fiscal year ending August 31, 2001, in the total amount of \$200,000.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the amendment to the agreement with Arthur Anderson LLP in conjunction with contract no. 2001-179R (for professional auditing services) for special auditing services for the Police Department, be extended by adding an additional amount for the cost of the services in an amount not to exceed \$16,000.00, and that the Mayor be authorized to sign documentation relating to the additional expenditure.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the Downtown Management District for the use of twenty (20) Camelback brand mule hydration systems by Bike Patrol Officers with the Police Department. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all required documentation and accept a grant award for the El Paso Police Department from the Office of the Governor, Criminal Justice Division, for third year funding in the amount of \$70,237.00 (Violence Against Women Act Grant #VA-01-V30-13590-03) for the purpose of continuing the efforts of the Victim Services Response Team; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching or in-kind funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division funds, the

City of El Paso assures the CJD that funds will be returned in full. Matching funds required in the amount of \$8,400.00 and in-kind services match required in the amount of \$26,534.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

Neighborhood Park Watch Program Sunrise Park
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. **CONTRACTOR:** Frank Bermudez, Swim Instructor I, Step 1
 DATES: July 12, 2001, thru September 30, 2001
 RATES PER HR: \$5.35
 CONTRACT NO: 2000/2001-324

 2. **CONTRACTOR:** Victor M. Breceda, Pool Attendant I, Step 1
 DATES: July 19, 2001, thru September 30, 2001
 RATES PER HR: \$5.40
 CONTRACT NO: 2000/2001-325

 3. **CONTRACTOR:** David De La Rosa, Lifeguard Trainee
 DATES: July 6, 2001, thru September 30, 2001
 RATES PER HR: \$5.25
 CONTRACT NO: 2000/2001-326

 4. **CONTRACTOR:** Alejandra Reyes, Swim Instructor I, Step 1
 DATES: July 14, 2001, thru September 30, 2001
 RATES PER HR: \$5.35
 CONTRACT NO: 2000/2001-327

 5. **CONTRACTOR:** Christopher M. Romero, Pool Attendant I, Step 1
 DATES: June 8, 2001, thru September 30, 2001
 RATES PER HR: \$5.40
 CONTRACT NO: 2000/2001-328
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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION AUTHORIZING APPLICATION
TEXAS RECREATION & PARKS ACCOUNT PROGRAM (TRPA)**

A Resolution of the City of El Paso, Texas, hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the "Applicant" in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Texas Recreation & Parks Account Grant Program, hereinafter referred to as the "Program;" certifying that the "Applicant" matching share is readily available; and dedicating the proposed site for permanent public park and recreational uses.

WHEREAS, the Texas Legislature has approved the "Program" (Section 24 of the Parks & Wildlife Code) for the purpose of allowing the political subdivisions of the State of Texas to participate in the Program; and

WHEREAS, the "Applicant" is fully eligible to receive assistance under the "Program;" and

WHEREAS, the "Applicant" is desirous of authorizing an official to represent and act for the "Applicant" in dealing with the "Department" concerning the "Program;"

BE IT RESOLVED BY THE "APPLICANT:"

SECTION 1: That the "Applicant" hereby certifies that they are eligible to receive assistance under the "Program."

SECTION 2: That the "Applicant" hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the "Applicant" hereby authorizes and directs its Parks and Recreation Department to act for the "Applicant" in dealing with the "Department" for the purpose of the "Program," and Charles W. Nutter is hereby officially designated as the representative in this regard.

SECTION 4: The "Applicant" hereby specifically authorizes the official to make application to the "Department" concerning the site to be known as Nations Tobin in the City of El Paso for use as a park site. That Nations Tobin is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity.

Mr. Charles Nutter, Director of Parks & Recreation, stated that in order to expand the project the Parks and Recreation Department applied for the above Grant from the Texas Parks and Wildlife.

Representative Cook asked Mr. Nutter whether the City might have a good chance of receiving the Grant.

Mr. Nutter responded, in his opinion, the Parks Department has done a good job in composing this Grant.

Representative Cook commented that the young people of the Community had requested that skate parks and in-line skate rinks be built.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendments to the Personal Services Contracts between the **CITY OF EL PASO** and the following Information Technology personnel at the El Paso Water Utilities to increase the amount of compensation effective August 1, 2001:

1. Victor Castaneda, Computer Operator
2. Thomas Brown, PC Lan Specialist I
3. Jose Esquivel, Programmer Analyst
4. Yasmin Lopez, Programmer Analyst
5. David Wolking, Applications Support Adm.
6. Jose Granillo, GIS Administrator
7. Edgardo Chacon, Network Administrator
8. Armando Renteria, Information Services Mgr.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **JOHN BATOON** for professional services as Hearing Officer for the Civil Service Commission, for a period from August 1, 2001 to November 1, 2001, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair. This Contract is subject to the approval of the City's Civil Service Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **PATRICIA LEA PALAFOX** for professional services as an alternate Hearing Officer for the Civil Service Commission, for the period from August 1, 2001 to November 1, 2001, at the rate of \$100.00 per hour, not to exceed 10 hours per month without prior approval of the Commission Chair. This Contract is subject to the approval of the City's Civil Service Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **BRUCE J. PONDER** for professional services as Hearing Officer for the Civil Service Commission, for a period from August 1, 2001 to November 1, 2001, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair. This Contract is subject to the approval of the City's Civil Service Commission.

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***RESOLUTION**

WHEREAS, the Rational Speed Limits Application is an application offered by the National Highway Traffic Safety Administration (NHTSA) for consideration of receiving grant funds to study various areas of the City, in order to evaluate area speed limits and to determine whether the current posted speed limits should be amended; and

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WHEREAS, the completed application was to be returned to the NHTSA in Washington, D.C. on July 24, 2001 in order to be considered timely submitted; and

WHEREAS, the Mayor authorized the Director of the Public Works Department to submit the application and related documentation in order for the City of El Paso, as applicant, to be eligible for such grant funds on July 24, 2001;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the actions of the Mayor on July 24, 2001, in authorizing the Director of Public Works to submit the Rational Speed Limits Application to the National Highway Traffic Safety Administration (NHTSA) for consideration regarding the possible granting of project funds, are hereby ratified.

***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 28th day of August, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5725 Kapilowitz Ct., in El Paso, Texas, which property is more particularly described as:

Lot: 24, Block 3, of Hughes Subdivision, Block 2, of the Alameda Acres Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 13, Page 15, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Estate of Martha Rivera, deceased, 3325 Taylor Avenue, El Paso, Texas 79930-4947 and Tony Rivera 12365 Mantaque, Pacoima, CA 91331 are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 28th day of August, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the City Council Order of October 17th, 1995 regarding the property at 231-235 Euclid Street in El Paso, Texas, which property is more particularly described as:

Lots: 26, 27, 28 and the South 2 feet of Lot 29, Block 2, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 12, Page 20, Plat Records of El Paso County, Texas; municipally known and numbered as 231-235 Euclid Street, El Paso, Texas

Has been complied with and if Council Order has not been complied with to determine penalties.

According to the real property records of the County of El Paso, Texas, Anna Valdez and Isidora E. Valdez, 235 Euclid Street, El Paso, Texas 79905, are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 4th day of September, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4929 Wichita Circle, in El Paso, Texas, which property is more particularly described as:

Lot: 2114, Block 86, Mountain View Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1 Page 6 Plat Records of E Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose De La Luz Perez and Rosenda R. Perez are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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*Motion made, seconded and unanimously carried to approve request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Transit Route Supervisor (1)

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*Motion made, seconded and unanimously carried to approve Request for provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Accounting Clerk (1)
- B. Police Records Specialist I (2)
- C. Police Support Services Administrator (1)

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Court

Delete	1.0	Clerk III	13
Add	1.0	Deputy Court Clerk I	13

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Community Development

Add	1.0	Senior Citizen Program Specialist	PM70
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Fire

Delete	2.0	ARFF Technician	C1
Add	2.0	Fire Suppression Tech	F2

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*Motion made, seconded and unanimously carried to delete the Staffing Table Change for Health - WIC

Delete	1.0	Clinical Clerk Inter	15-1
Delete	1.0	Secretary III	19-1
Delete	1.0	Senior Nutritionist	76-1
Add	4.0	Clerk II	9-1
Add	2.0	LVN	19-1
Add	1.0	Accounting Tech	20-1

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*Motion made, seconded and unanimously carried to approve the appointment of R. Carlos Gallinar to the History Museum Board by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to approve the appointment of Kristi Borden to Revolving Loan Fund Board by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to approve the appointment of Raymond Ponteri to Revolving Loan Fund Board by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light(s) at the following location(s):

SE Corner of Porter and Louisiana Cost: \$899.00

NOTE: Motion was revised to change location from SW to "SE Corner of Porter and Louisiana".

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #T230-999-0060-0300, \$2,348.32 per month installments on a balance of \$14,089.92 for 2000 taxes; Christopher J. & Dennece G. Henry - 873 Forest Willow.
- B. PID #S554-999-0010-8900, \$217.97 per month installments on a balance of \$3,269.55 for 2000 taxes; New Beginning Missionary Baptist Church - 9491 Railroad Dr.
- C. PID #1998-999-0647-0034, \$455.66 per month installments on a balance of \$8,201.88 for 1998, 1999 & 2000 taxes; Spur Services Retail Division % William & Robert Lane - 4700 Doniphan.
- D. PID #0316-999-1025-0000, \$792.09 per month installments on a balance of \$4,752.54 for 1999 & 2000 taxes; Hurst Plumbing & Heating - 1116 Kastrin.
- E. PID #C849-999-0330-6900, \$182.20 per month installments on a balance of \$1,639.80 for 1998 & 1999 taxes; Arturo & Patricia H Salas - 2112 Atlanta Ave.
- F. PID #E900-002-0005-0011, \$552.46 per month installments on a balance of \$3,314.76 for 1994, 1995, 1996, 1998 & 1999 taxes; South Spanish Congregation. - 124 Velasco.
- G. PID #0698-999-2004-0000, \$4,356.15 per month installments on a balance of \$26,136.90 for 1999 & 2000 taxes; Wheelchair & Walker Rentals - 611 Montana.
- H. PID #H788-003-0160-0160, \$655.34 per month installments on a balance of \$3,932.04 for 1999 & 2000 taxes; Motor Prod International, Inc. - 17003 Darrington.
- I. PID #B555-999-0002-0011, \$434.50 per month installments on a balance of \$5,214.00 for 1997, 1998, 1999 & 2000 taxes; Enrique & Gloria Romero - 6500 Butterfield.
- J. PID #C340-999-0170-0100, \$805.02 per month installments on a balance of \$9,660.24 for 1999 & 2000 taxes; John C. Bowden - 6241 Bandolero.
- K. PID #S330-999-0010-2200, \$251.06 per month installments on a balance of \$3,012.72 for 1999 taxes; Patricia Ruiz - 5821 Vista Clara.
- L. PID #M973-000-0090-0060 & #M973-000-0090-0080, \$386.25 per month installments on a balance of \$4,635.00 for 1994, 1995, 1996, 1997, 1998, 1999 & 2000 taxes; Paul Guerra - 616 24th.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2001-191 Automated Handling System Refuse Containers

Representative Sariñana stated that he had made phone calls to companies in California and noted that the California companies' receptacles were wider on the bottom(s). He explained that the receptacles currently being utilized by the City of El Paso have narrow bottoms which can cause the receptacles to topple over especially in wind storms. He recommended postponing the item for one week in the hopes of finding a better designed receptacle.

Mr. Byron Johnson, Director of Purchasing, stated that if the design of the receptacles were to be altered, the current bids would be rejected and new bids would need to be re-advertised. Also, if the design specifications were to be revised the project would be delayed six to seven months. He remarked that the design currently utilized by the City is the "standard". He expounded on ability of the receptacles to be moved easily by the public and the automated arms. Mr. Johnson remarked that if the receptacles are too large the automated arm would not be able to lift the receptacles. The current receptacles were developed by a Committee and the Solid Waste Management Department reviewed them.

Representative Sariñana referred to the wind and the containers and problems which have occurred with the current receptacles.

Representative Sumrall asked in the event the design of the receptacle is being revised, would it be possible to have some type of latch to prevent customers from being hit in the face.

Representative Medina asked Ms. Emma Acosta Deputy Director of Solid Waste Management, how many complaints had the Solid Waste Management Department received regarding the receptacles.

Ms. Acosta gave Council Members a history as to how the Solid Waste Management Department had selected the current receptacle. She remarked that currently there are 60,000 containers in use in the Community and that half of the City is on the automated collection. She noted that if Council Members decide to change the design of the receptacles it would impact the ability of the vehicle to lift the container. She stated that new vehicles are due to arrive next month. She remarked that the Solid Waste Management Department has received complaints regarding the trash cans blowing over. She stated that she is open to suggestions.

Representative Cook explained that no matter how big the trash can, the winds would blow them over. He complimented Ms. Acosta and her staff.

Representative Escobar suggested, in the future, if changes were made to the design of the container(s) that Ms. Acosta contact other municipalities for opinions, suggestions, complaints, etc.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to award Bid No. 2001-191 Automated Handling System Refuse Containers

Awarded to:	Toter Incorporated Statesville, North Carolina
Items:	1 and 2
Total award:	\$1,493,850.00
Department:	Solid Waste Management
Funds available:	250201-208004-MB0002-160
Funding source:	FY2001 Certificates of Obligation
Total amount award: :	\$1,493,850.00

Purchasing and the Department of Solid Waste Management recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties. A lower bid was received for Item 2 but did not meet specifications as detailed in the backup.

This is a fixed price, single [one-time] contract to purchase Automated Handling System Refuse Containers. There is an option of purchasing one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

.....

*Motion made, seconded and unanimously carried to award Bid No. 2001-203 Track-Type Tractor

Awarded to: Rust Tractor Company
El Paso, Texas
Items: 1A, 2A, 3A with Optional Item O2
Total award: \$343,820.00
15,000.00 Less Trade-In Allowance
\$328,820.00

Department: Solid Waste Management
Funds available: 102008-208029-540008 (\$142,790.80)
102009-208029-540009 (\$201,029.20)
Funding source: FY1998 and FY1999 Contractual Obligations
Total amount award: \$343,820.00

The Solid Waste Management, Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Track Type Tractor. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-204 Crew Cab Dump Trucks

Awarded to: Casa Ford
El Paso, TX
Items: 1
Options: O1, O5, O8, O9
Total award: \$177,357.00
6,000.00 Less trade-in allowance
\$171,357.00

Department: Street
Funds available: 250101-208006-MB00001-130
Funding source: FY2000 Certificates of Obligation
Total amount award: \$177,357.00

The Equipment Maintenance, Street, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase three (3) Crew Cab Dump Trucks. There is no option to purchase additional quantities. No prompt payment discount is offered.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-243 Washer/Extractor

Awarded to: KS Commercial Laundry Specialist
El Paso, Texas
Items: #1 & #2
Total award: \$54,574.00

Department: Fire
Funds available: 250201-208008
Funding source: Capital Project Fund/CO
Total amount award: \$54,574.00

The Fire Department and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one time) purchase, for Washer / Extractors for the Fire Department.

The Vendor offers the City the option of purchasing up to 100% of the original contract quantities, at the same unit price, if the option is exercised within Ninety(90) days from the date of the award.

The Vendor also offers the City a prompt payment discount of 2% 10 days.

NOTE: Motion was revised to read "Total amount award: \$54,574.00".

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-253 Shuttle Bus Rental (Rebid)

Awarded to: El Paso Juarez Trolley Company
El Paso, Texas
Items: All
Total award: \$35,000.00 (Estimated annually)

Department: Department of Aviation
Funds available: 620001-202408
Funding source: Operating Leases for Vehicles
Total amount award: \$35,000.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a twelve (12) month service-type Contract for Shuttle Bus Rental at the El Paso International Airport. The Contract will officially begin at 12:01 midnight, August 1, 2001.

No fast payment discount is offered.

.....
*Motion made, seconded and unanimously carried to award Contract No. 2001-288 FX Conversion Kits

Awarded to: The P.R.O. Shop
El Paso, Texas
Items: All
Total award: \$22,550.00

Department: El Paso Police
Funds available: 010062-203109
Funding source: General Fund
Total amount award: \$22,550.00

Request that the Director of Purchasing be authorized to issue Purchase Order(s) to The P.R.O. Shop, as they are the sole authorized provider of FX Conversion Kits in the El Paso, Texas area, of Simunition (manufacturer) products.

.....
*Motion made, seconded and unanimously carried to approve Change Order No. 6 (Construction Change) to E E & E Construction for "Alexander Place Street and Drainage Improvements" for a decreased amount of \$11,479.53 for deletion of work on water line and sanitary sewer line within TXDOT R.O.W. due to problems in acquiring working permits from TXDOT, per EPWU.
.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-666 PARKS & RECREATION

This Budget Transfer requests an increase of Revenues for Instructional Fees and a corresponding increase of expenditures for Recreational Supplies. This will be used for the purchase of lane lines for both lap swimming and competitive swim meets. The existing lane lines have deteriorated to the point of being a safety hazard because of broken cables and individual floats starting to crumble.

Increase	\$10,000	to	010281/500203/104302	Instructional Fees
Increase	\$10,000\	to	010281/500203/203116	Recreational Sup

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-667 PARKS AND RECREATION

The Special Promotions index requires additional appropriations to fund programs for the remainder of this Fiscal Year. Miscellaneous Non Operating revenues have increased to fund increases in Building Leases, Office Supplies and Recreation Supplies. Actual revenues have already exceeded budget in this sub-object.

Increase	\$10,000	to	010282/500205/105065	Misc Non Oper Rev
Increase	\$ 5,400	to	010282/500205/202400	Bldg Leases
Increase	\$ 2,700	to	010282/500205/203100	Office Supplies
Increase	\$ 1,900	to	010282/500205/203116	Recreational Sup

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-677 PE/OMB

Appropriation increase from contingency to cover expected cost of contract with Public Sector Personnel.

Decrease	\$20,000	from	010273/204405	Contingency
Increase	\$20,000	to	010028/202215	Outside Contracts

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-678 AIRPORT

Transfer to cover anticipated shortages for the rest of the fiscal year based on year-to-date usage.

Increase	\$7,000	to	620009/204100	Electricity
Decrease	\$7,000	from	620001/202115	Management Consult

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-679 AIRPORT

Transfer of funds to cover anticipated shortages for the rest of the fiscal year based on year-to-date usage.

Increase	\$2,000	to	620010/203005	Diesel
Decrease	\$2,000	from	620001/202115	Management Consult

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-680 AIRPORT

Transfer of funds to cover anticipated shortages for the rest of the fiscal year based on year-to-date usage.

Increase	\$25,000	to	620008/203211	Airfield Maint
Increase	\$ 8,000	to	620008/204102	Natural Gas
Decrease	\$33,000	from	620001/202115	Management Consult

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-681 NON DEPARTMENTAL

Recognizing estimated revenue in order to cover projected costs for benefits administration.

Increase	\$122,000	to	100255/107002	Estimated Revenue
Increase	\$122,000	to	100255/202200	Benefits Admin

*Motion made, seconded and unanimously carried to approve the request of Junior League of El Paso, Inc. to hold a Foot Race (5k) on October 7, 2001 from 7:00 a.m. to 11:00 a.m. Route: Start at 1300 Hardaway and proceed on Hardaway, Bliss, Radford, Leeds, Hawley, Post, Howze, Hastings, Cumberland, Radford, Cumberland, Graham, Raynolds, Clifton, Radford, Trowbridge, Hardaway, and end at 1300 Hardaway. Approximately 750 persons and 1 pace car will take part. This request includes permission to use amplification (microphone & speakers). PERMIT NO. 01-091

*Motion made, seconded and unanimously carried to approve the request of Mision Iglesia Universal de Jesucristo A.R. to use amplification (4 speakers, 3 microphones, 1 guitar, 1 bass, 1 set electric drums) at Estrella Park, 3200 Rivera, on August 4 & 5, 2001 from 7:00 p.m. to 10:00 p.m. Approximately 30 persons will use amplification and 15 spectators are anticipated. PERMIT NO. 01-093

ORDINANCE 14897

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01004 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS ALL OF LOT 19, BLOCK 85, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS (720 S. STANTON STREET), PURSUANT TO SECTION 20.64.175, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adauto, Planning Director, explained the Special Permit for Council Members. She stated that the Development Coordinating Committee and the City Plan Commission have recommended favorably and the Department has received one telephone call in opposition.

Motion duly made by Representative Cobos, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14898

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01005 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS ALL OF LOTS 1-6 AND A PORTION OF LOT 7, BLOCK 164, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2201 STANTON STREET), BY ALLOWING OFF-SITE, OFF STREET PARKING ON PARCEL LI, DESCRIBED AS ALL OF LOTS 11-17, BLOCK 151, ALEXANDER ADDITION, ALL EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040.S., AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall explained that this item initiated the Rim Road/University Plan.

Ms. Pat Aauto, Planning Director, explained the Special Permit for Council Members. She stated that the Development Coordinating Committee and the City Plan Commission have recommended in favor. The Planning Department received one letter in support and there was no opposition.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14899

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACT 38, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS (AT GEORGE DIETER DRIVE AND GUERNSEY ROAD) FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONDITIONS) TO C-1/SC (COMMERCIAL/SPECIAL CONDITIONS), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Planning Director, explained the rezoning application for Council Members. The Development Coordinating Committee recommended in favor of the application. The City Plan Commission has added a special condition requiring a Detailed Site Development Plan on the property. There has been no opposition.

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14900

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTIC OF TRACT 8, SECTION 44, BLOCK 79, TSP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (12000 BLOCK OF PEBBLE HILLS BOULEVARD) FROM Q/SC/SP (QUARRY/SPECIAL CONDITIONS/SPECIAL PERMIT) TO R-5/SC (RESIDENTIAL/SPECIAL CONDITIONS). THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adauto, Planning Director, explained the rezoning for Council Members. She stated that the Development Coordinating Committee and City Plan Commission recommend in favor and the Department has received no opposition.

Representative Sariñana questioned the special conditions and whether they were needed.

Ms. Adauto explained that the special conditions were imposed when the property was rezoned "Q".

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14901

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING CATHEDRAL HIGH SCHOOL CLASS OF 1976 REUNION TO USE A PORTION OF GALATZAN PARK FROM 2:00 PM UNTIL 8:00 PM ON AUGUST 4, 2001**

Motion duly made by Representative Cobos, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14902

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING DR. DONALD RATHBUN TO USE A PORTION OF TOM LEA UPPER PARK FROM 6:00 PM UNTIL 8:00 PM ON AUGUST 25, 2001**

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14903

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014116, WHICH ESTABLISHED THE BUILDING AND ZONING ADVISORY COMMITTEE (BZAC), TO INCREASE THE NUMBER OF CANDIDATE NOMINATIONS TO BE SUBMITTED FROM EACH MEMBER ORGANIZATION.**

Representative Cook asked why the number is being increased.

Ms. Pat Adatao, Planning Director, explained that the Building and Zoning Advisory Committee (BZAC) was formed in 1999 as an advisory group to Mayor and Council with regard to the rewriting of the City Zoning and Construction Code. She stated that the BZAC consists of 21 members appointed by City Council. The members names were taken from a list of nominees submitted by 14 organizations which are represented on the BZAC. In the beginning, the organizations were asked to submit only three nominees from their organization. She explained that since 1999 some members have resigned, removed themselves or other reasons. The BZAC recommended that the Ordinance be modified to allow five nominations from the 14 organizations. Ms. Adatao remarked that with Council approval today she would submit letters to each of the organizations asking them to submit additional nominees.

Representative Cook stated that a recommendation was made regarding removing members due to lack of attendance.

Ms. Adatao stated that is correct. She explained the two recommendations as follows: 1) amending the structure so that additional nominees could be made by member organizations; and 2) that the City Council consider removal of members currently serving on the BZAC who have an attendance problem. She included a list of current BZAC members and their attendance record.

Motion duly made by Representative Cook, seconded by Representative Rodriguez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

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ORDINANCE 14904

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO INCLUDE WYOMING AVENUE FROM THE EAST CURBLINE OF LANGTRY STREET TO A POINT 60 FEET EAST THEREOF, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

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ORDINANCE 14905

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO INCLUDE WYOMING AVENUE FROM THE WEST CURBLINE OF LANGTRY STREET TO A POINT 60 FEET WEST THEREOF, SOUTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

.....

1015

*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution approving Detailed Site Development Plan No. DP-01009, for a portion of Lot 1, Block 19, REGAL CREST UNIT THREE, Replat "A", El Paso, El Paso County, Texas (420 Redd Road), pursuant to section 20.04.140 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-1/sc(Commercial/special conditions.) Applicant: MIMCO, Inc. / Representative: Charlie Gomez, Alvidrez Associates, Inc., 1414 N. Oregon, El Paso, TX 79902

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ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on May 22nd and July 31st, 2001, regarding the property located at 4903 Wichita Circle, more particularly described as:

Lot: 2071, Block 85, Mountain View Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 23, Plat Records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can not be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated May 22nd, 2001, that is on or before June 22nd, 2001.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on July 31st, 2001, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owners of said property, Edward J. Jenkins and Susan M. Jenkins, were notified of the requirements of Section 18.52.040 and of their need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after May 22nd, 2001 that is, on or before June 22nd, 2001; and
 - c. That the Owners have failed to comply with the Order each day from June 22nd, 2001 through July 31st, 2001, a total of 40 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owners in an amount not to exceed \$1,000.00 a day for each violation, a total of \$40,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owners will be assessed a civil penalty based on the date of repossession of the property for non compliance with Council orders.
2. That the owners are hereby placed on notice that due to the failure to secure the building, the further deterioration of the structure and the increased hazard to the public due to continued unlawful entry by vandals and gang members, the Council has amended its resolution to order demolition of the structure and removal from the lot of all weeds, trash and debris.

Mr. Thomas Maguire, Building Services Department, stated that he would be making a change in the recommendation. He explained that the property has changed hands (a bank) and the Building Services Department had been assured that the building was secured. Upon further investigation, the building was not secured. He stated that the Building Services Department would be recommending that the property be demolished and to assess civil penalties of \$1,000.00 per day due to non-compliance with Council Ordinances.

Representative Cook questioned when the bank took over the property.

Mr. Maguire stated approximately five weeks ago. He explained that the bank is located out of state.

Representative Sumrall asked if the City was establishing the penalty as "up to \$1,000.00 per day".

Mr. Maguire stated that the suggestion is \$1,000.00 per day; however, he does not have a fixed amount at this time.

Representative Rodriguez thanked Mr. Maguire for his diligent work regarding the above named property.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the Department's recommendation and approve the resolution.

.....
Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 5727 Tamburo Court, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Mr. Thomas Maguire, Building Services Department, read from a prepared statement and gave the Department's recommendation. He stated that he has had conversations with Ms. Norma Ramos, owner, regarding the property. He stated that the structure is near complete demolition and that Ms. Ramos has asked for addition time to complete the demolition. At this time he recommended postponing the item for four weeks.

Representative Power was not present for the vote.

.....
Motion made Representative Cobos, seconded by Representative Escobar and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 729 Paisano, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Mr. Thomas Maguire, Building Services Department, read from a prepared statement and gave the Department's recommendation. He stated that there are taxes owed on the property. He stated that LULAC (trustee) has contacted the Building Services Department. He explained that the property is to be auctioned next week and LULAC has asked for a four week postponement. He stated that LULAC has secured the building. Mr. Maguire has no objection to postponing the item. He explained that the taxes would be paid through the sale of the property.

Representative Cook stated that he would be abstaining from the vote as he is a voting member of Project AMISTAD's Board.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 8659 Holmsley Trail Drive, in El Paso, Texas, which property is more particularly described as follows: \

Tract: 5, Block 6, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County, Texas for tax purposes

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Joe M. Escobar, 7221 North Loop Dr., El Paso, Texas 79915, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 31st, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structures can not feasibly be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Buildings be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for October 2nd, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and

- d. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire buildings and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
 4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with demolishing and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
 7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owner any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services Department, read from a prepared statement and gave the Department's recommendation.

Representative Cook commended Mr. Maguire for his diligent work regarding the above named property.

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Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to accept the Department's recommendation and approve the resolution.

Representative Sumrall was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the Annual Report to the Mayor and City Council from the Cable Communication Commission and on recommendations of the Commission.

Ms. Judy Maddox, Chairwoman of Cable Communication Committee, explained the duties of the Cable Communication Commission to Council Members. Ms. Maddox stated that despite the current Public Access Channel not operating at capacity, Time Warner provided a channel devoted solely to educational programming. She continued, thus the El Paso Educational Channel, Epic TV, Channel 14, was born. She stated that oversight of the Channel's programming needs to be broadened and more schools in the district are urged to participate in this Collaborative. She named Ysleta, Socorro, Region 19, El Paso, Community College.

She then discussed the Section 15c of the Franchise Agreement, which allows the City of El Paso the absolute right to inspect Time Warner's income records and the right to audit. She gave detailed financial information for Council Members regarding the August 25, 2001, Time Warner Second Quarter 2000 franchise fee. She stated that in September, Time Warner will increase their rates. She asked that an RFP be processed in a timely manner in order that an expert be hired regarding the rate increase.

Ms. Maddox thanked Ms. Debbie J. Brown, recording secretary for the Cable Communication Commission, and Assistant City Attorneys Ms. Nan Williams and Mr. John Nance. She reiterated the Commission's recommendations as: 1. An RFP be issued regarding the agreed upon procedure for the franchise fee gross receipts payable; and 2. An RFP be in place should there be a rate increase. In conclusion, she thanked Council Members for their support.

Representative Cook questioned whether the rate increases were for only basic rate increases.

Ms. Maddox stated yes that is correct. She stated that a rate increase may occur sometime in September.

Representative Cook reiterated Ms. Maddox' recommendations as: 1. Ask the Purchasing Department to issue an RFP regarding the franchise fee and; 2. Prepare an RFP and authorize the issuance of the RFP regarding any potential rate increases to the basic service.

Ms. Maddox responded yes.

Representative Cook moved on the above recommendations, Representative Power seconded.

Representative Cook asked Ms. Maddox to inform him regarding the \$7,293.00.

Ms. Maddox explained that the issue should be resolved when the Commission prepares the agreed upon procedure regarding the franchise fees.

Mayor Raymond Caballero thanked Ms. Maddox and the Commission for their hard work.

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Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to reject Bid No. 2001-198, K/A Band Radar Units as recommended by Purchasing and the El Paso Police Department.

This solicitation will be re-bid with revised specifications and contract clauses.

Department: El Paso Police

*Motion made, seconded and unanimously carried to delete recommendation for approval of interpretive themes for new El Paso Museum of History as determined by History Museum Advisory Board and subcommittee. (Suzanne Dipp, History Museum Advisory Board)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Contract between the City of El Paso and Demolition Materials, L.L.C. for the demolition project at the El Paso International Airport Contract Bid No. 2001-016 be terminated for convenience effective August 7, 2001; and that the City Attorney be authorized to immediately forward notice of such termination to the contractor.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting AA Founders Day Organization to use Veterans Park Pavilion from 6:00 AM until 11:00 PM on September 15, 2001. Fee: \$75.00
- B. An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) by Adopting the book entitled "International Fire Code, 2001 Edition," with certain revisions, and the penalty being as provided in Section 9.52.109.3 (Violation Penalties) of the El Paso Municipal Code.
- C. An Ordinance vacating a portion of a twenty-foot (20') wide alley within Block 46, between San Antonio Avenue and Overland Avenue, Mills Addition, City of El Paso, El Paso County, Texas.
- D. An Ordinance permitting Millennium Plastics Technologies to use a portion of Eastwood Album Park from 10:00 AM until 4:00 PM on August 25, 2001 for a company picnic. Fee: \$80.00
- E. An Ordinance permitting Prepared Foods to use a portion of Marwood Park from 7:00 AM until 8:00 PM on August 19, 2001 for a company picnic. Fee: \$100.00
- F. An Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2001, in the aggregate principal amount of \$16,265,000 for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the Bond's; and enacting provisions incident and related to the subject and purposes of this Ordinance.

PUBLIC HEARING WILL BE HELD ON AUGUST 14, 2001 FOR ITEMS A - F

- G.** An Ordinance changing the zoning of Lots 7, 8, 9, and 10, Block 46, CAMPBELL ADDITION, El Paso, El Paso County, Texas (1001 - 1005 South Mesa Street) from SRR (Special Residential Revitalization) to C-4 (Commercial) and imposing certain conditions, the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Ernesto Martinez / Representative: Alfonso Perez, 10562 Tomwood, El Paso, TX 79925. ZC-01032
THIS IS AN APPEAL CASE.
- H.** An Ordinance changing the zoning of a portion of Tracts 15,16,17A & 17B, Block 79, Section 32, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, El Paso, El Paso County, Texas (South of Montana Avenue and West of Joe Battle Boulevard) from PR-2/C (Planned Residential/Conditions) to RMH/C (Residential Mobile Home/Conditions). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: Moreno Cardenas, Inc., 2505 E. Missouri, El Paso, TX 79903. ZC-01039

PUBLIC HEARING WILL BE HELD ON AUGUST 21, 2001 FOR ITEMS G - H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the Museum of Art be authorized to sign the Grant Agreement between the EL PASO WILDERNESS PARK MUSEUM and the TEXAS HISTORICAL COMMISSION for the amount of SEVEN HUNDRED FIFTY AND NO/00 DOLLARS (\$750.00) to provide for costs associated with activities during Texas Archaeology Awareness Month observation, October, 2001. Such costs shall include transportation for six to eight Tarahumara dancers and multi-media presentation covering archaeological sites in the Sierra Madre of Chihuahua, Mexico. A one-to-one City match of \$750.00 is required.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to refer the issue regarding the establishment of an Office of Tourism within the Department of Economic Development to a joint meeting of the Convention and Visitors Bureau Legislative Review Committee and the Economic Development Legislative Review Committee.

Representative Power explained that during the budget hearing process City Council Members realized there are no organizations trying to capture the tourism dollars. Therefore, City Council decided to create an Office of Tourism within the Economic Development Department. He moved to approve the item.

Representative Sariñana stated that this is an excellent idea and suggested canceling the current contract with CVB.

Representative Cook asked that this item be sent to Legislative Review Committee meetings for discussion.

Mayor Raymond Caballero explained that there is a consensus for change and suggested that Representatives Power and Sariñana's suggestions be sent out for further study. He asked that a plan be drawn up regarding tourism, conventions, appointments and/or 501(c)(3) or (c)(6).

Representative Medina remarked that time is of the essence.

Representative Power stated that this is not in conflict with the Convention and Visitors Bureau. He explained the Convention and Visitors Bureau's responsibilities.

Mayor Caballero stated that if he has a question regarding the Economic Development Department's management he would like further discussion on this to avoid any mistakes.

Representative Sumrall explained that when the original contract was awarded to LMI it was rushed through with very little discussion. She stated that she does not want that to happen here. She read a portion of the contract with LMI into the record and stated that she felt LMI had already broken the contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **MICHAEL JAMES SAHS** to extend the time of performance through August 31, 2001 and to increase the total amount of the contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and Jill Field, Proaction, to provide immunizations to children in preparation for school at the Main Library on August 11, 2001. There is no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreements between the City of El Paso and the following Volunteers to present programs at various branches of the El Paso Public Library. These contracts are subject to the approval of the City's Civil Service Commission.

1. Cynthia Archuleta, Border Wellness Association
2. Elena Baker, Las Mariposas

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Volunteer Services Agreements between the City of El Paso and the following volunteers for various branches of the El Paso Public Library. There is no cost to the City. These contracts are subject to the approval of the City's Civil Service Commission.

1. Kimberly Carpenter
2. Jerrilyn Francene Black
3. Linda M. Escoto
4. John David Parga
5. Kristine Samaniego
6. Melissa Medina
7. Patricia Laura Kendrick

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Consulting Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **DRAPER AVIATION** to change the time of performance.

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*Motion made, seconded and unanimously carried to approve the request to expend \$275.00 from District 1 Special Projects Fund to provide entertainment at Borderland Park for a first year neighborhood celebration of the park's renovation and rededication.

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*Motion made, seconded and unanimously carried to approve Change Order No. 9 (Construction Change) to Dantex Construction for "Marcos Armijo Library & Pool Improvements" for an increased amount of \$48,885.99 to supply and install new underground sanitary sewer lines for the men's and women's restrooms in the bath house.

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*Motion made, seconded and unanimously carried to approve Change Order No. 1 (Construction Change) to C. F. Jordan for "Yarborough Drive Extension" for an increased amount of \$68,384.25 to relocate existing PSB electrical junction box, replace electrical conduits and cable within the roadway; lower both water and sanitary sewer lines below the petroleum lines to include boring and casing.

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the Mayor's proposed initiative entitled "Operation Clean Sweep", involving increased enforcement of City Ordinances and regulations along Mesa, Alameda, Dyer, and Montana streets.

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~~Mr. Terry Williams~~, Deputy Director of Building Services, explained that the Department was pleased to announce a new program regarding keeping the City of El Paso clean. He stated that with the Mayor's encouragement and recommendation that other City departments become involved, four major streets of El Paso would be targeted. The streets named were: Alameda, Dyer, Montana and Mesa Streets.

Mr. Williams explained that the Street Department would increase the amount of times these streets would be swept from one end to the other, to twice monthly. He stated that the Code Compliance officers of the Building Services Department would also be involved. These officers would be conducting "sweeps" of the same streets for any code violations. He stated that this is a joint project to include the: Streets, Solid Waste Management, Police, Public Works and TXDOT. He explained that the Building Services Department would be the lead agency and would be determining and referring the problems of the City to the appropriate City Departments. He hoped that business and property owners would begin taking pride in their properties and police themselves on a voluntary basis.

Representative Cook commented on the title of the project "Operation Clean Sweep". He stated that the Northeast Business Alliance had utilized this same title two years previously. He remarked that the Northeast Business Alliance had requested holding a contest entitled "The Good, the Bad and the Ugly". He explained the three categories would include: 1). Residential, 2). Commercial and; 3). Public. For example, public medians or parks would be judged as either "good, bad or ugly" in their appearance.

Mr. Williams stated that there would soon be public service announcements and a "kick off" for the project in approximately two weeks.

Representative Sumrall expressed her appreciation and stated that the citizens would become more appreciative of their neighborhoods and extended community if they were kept clean. She asked Mr. Williams if a property were pointed out and cleaned up, would the property owners keep the property clean.

Mr. Williams responded that this would be part of the enforcement process.

Mayor Raymond Caballero thanked the City Department Heads, Mr. Williams, Mr. Cole, Ms. Acosta-Enriquez and Mr. Drusina. He explained that he did not find any resistance from anyone but rather enthusiasm. He also thanked Mr. Manny Aguilara from the Texas Department of Transportation. Mayor Caballero remarked that the citizens of El Paso expect that the City be clean and when everyone takes part, this can be done. He would like to add other major City streets to this project in the future.

Mr. Aguilara stated that TXDOT was committed to helping the City and will assist in any way we can.

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No action regarding problems with Sun Metro. (Myra Murillo)

Ms. Myra Murillo, disabled citizen, explained that she has had to cancel appointments due to the lack of LIFT buses. She then discussed the fare increases for the LIFT buses and the regular buses. She asked why the Sun Metro Department does not have any preventive maintenance service for the buses. She addressed the condition of the City's poorly maintained streets and lack of sidewalks.

Mr. Terry Lee Scott, Director, Sun Metro, addressed Ms. Murillo's concerns. He stated that the Sun Metro Department does not dispute the poor service of the LIFT buses. He explained the preventive maintenance schedule of the LIFT buses for Council Members. He explained that the Department has recently purchased new buses and would continue to purchase new buses. He discussed the lack of accessibility regarding the sidewalks. He stated that the Department is utilizing sedans and other vehicles to transport individuals to their desired destinations. He stated that for the future, Sun Metro has plans to modernize the paratransit operation.

Mayor Raymond Caballero addressed Ms. Murillo's comment regarding the Sun Metro Department not helping her. He stated that Sun Metro, per person, is the most expensive operation of the City. He commented on the sidewalks on Alameda Street and stated that other additional factors must also be addressed such as drainage. The City's goal is to allow the disabled community access to sidewalks with the appropriate curb cuts, buses with Lifts that work, and possibly utilize the buses just as everyone else does.

Mr. Alfredo Juarez, Coordinator of Desert Adapt, a Chapter of National Organization which advocates independence and dignity, commented that the problems regarding the paratransit and the fixed routes have existed for many years. He stated that the disabled community needs transportation to go to schools, doctors, theaters and to enjoy themselves. He stated that we are being discriminated against and are not being treated as equals. He asked that the disabled community be given equality and dignity and not treated as second class citizens. He stated that the disabled community must speak up and inform Council Members the problems they have experienced. He asked that mechanics be trained properly to keep the buses running, have the necessary parts available for repairs, and maintain a proper preventive maintenance program.

Mayor Caballero explained that a preventive maintenance program was not implemented in the past and the City is paying a very high price for that.

Mr. Ruben Fernandez, disabled citizen, explained the problems he has encountered with the public transportation system. He has cerebral palsy and explained that the LIFT buses air conditioning system does not work properly and upon his arrival at his home he has a seizure(s). He asked that the windows be opened to allow the air to come through. He also stated that he has had problems with bus drivers not picking him up.

Mr. Scott stated that the bus drivers have taunted Mr. Fernandez and another disabled gentleman, Mr. Ruben Montoya. Mr. Scott explained that a bus driver, who no longer works for the Sun Metro Department, would taunt the two gentlemen and referred to them as the "Ruben Brothers". Mr. Scott stated that he would reprimand bus drivers who continue this derogatory type of communication.

Mayor Caballero asked Mr. Scott to take immediate action regarding bus drivers not picking up Mr. Fernandez or any other disabled person.

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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21
- B. Texas Natural Resource Conservation Commission (TNRCC), TNRCC docket number 97-0171-IWD-E, vs. City of El Paso.
- C. Texas Department of Health, Case Number 199910005-a, vs. City of El Paso.

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21**; as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim by the Texas Natural Resource Conservation Commission (TNRCC) against the City of El Paso, TNRCC docket number 97-0171-IWD-E, be **SETTLED** in its entirety as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Motion made by Representative Medina, seconded by Representative Cook and carried that the Notice of Violation from the Texas Department of Health ("the Department") against the City of El Paso, case number 199910005-a, be **SETTLED** in its entirety as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, the Department's Proposed Settlement; and that the Mayor be authorized to sign any additional, related documentation.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to adjourn this meeting at 11:25 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk


Rita Rodriguez, First Assistant City Attorney